

REMARKS

In the Final Office Action, dated April 1, 2003, all of the pending claims 1-13 were rejected. Claims 1, 4, 7, 10 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by applicant's admitted prior art (hereinafter "APA"). Claims 2, 3, 5, 6, 8, 9, 11 and 12 were rejected under 35 U.S.C. § 103 as being unpatentable over APA in view of Timm (U.S. Patent 6,055,268).

As reflected above, claims 1-3, 5, 7-8, 10-12 have been amended to more clearly claim the recited embodiments of the invention. These claim amendments, however, should not be construed as acquiescing to the purported teachings of APA and Timm. In fact, Applicant respectfully submits that the cited art fails to anticipate or make obvious the pending claims, even without further amendment. Nevertheless, the claim amendments made herein have been made to more clearly recite the claim elements that were already present in the claims and in such a way as to more clearly distinguish from the cited prior art.

The claims have been amended to more clearly point out that the integrating component includes both of an abstracted connection control interface and a connection-oriented data transport interface. The claims have also been amended to point out that the integrating component is positioned between the application, a connection-oriented device driver and one or more transport components, which even more clearly reflects the location of the interfaces within the integrating component, as shown in Figures 6, 7, 13 and 19A-C of the applicant's application. These claim elements in combination with the other recited elements clearly distinguish the claims from the prior art because they provide a level of abstraction to the interfaces such that an application can take advantage of the integrating component and without requiring the application programmer to program directly to the integrating component.

In contrast, the disclosure associated with Figures 1-4, which was used by the Examiner to reject the claims, shows integrating components that do not have an abstracted connection interface for communicating the connection control characteristics of an underlying connection-oriented device to an application. In particular, as clearly shown in Figures 3 and 4, the connection interfaces 72 and 106 of the systems, purported by the Examiner to be prior art,¹ are

¹ Arguments made regarding the purported "Admitted Prior Art" should not be construed as acquiescing that Figures 2-4 and the corresponding disclosure actually comprise "prior art" inasmuch as this disclosure is not explicitly recited as prior art in the application. Accordingly, all arguments made regarding the APA are made assuming, *arguendo*, that the specified APA actually is prior art.

clearly shown to exist within the connection-oriented device driver. Accordingly, “the connection-oriented device driver must still provide a connection interface...that must be replicated for each and every connection-oriented device driver.” (Page 8, ll. 13-15).

With regard to the abstracted interface referred to on Page 6, line 21 of applicant’s disclosure, it should be appreciated that this does not correspond to the abstracted connection interface for communicating to the application the connection control characteristics of an underlying connection-oriented device, as recited in the claims. Rather, the interface referred to in APA (page 6) is merely mentioned generically in reference to an “integrating component that provides an abstracted interface to transport protocol drivers developers and to network card device driver developers.” As further recited on page 6, this abstraction is generally provided by “a registry interface 38 for accessing a registry 32 of connectivity information and a system resource interface 40 for accessing system resources 28.” But again, as mentioned above, the device driver utilizing the integrating component of the prior art must still provide a connection interface that must be replicated. Accordingly, APA fails to anticipate or obviate the first known (e.g., abstracted connection interface) that is recited in the claims as being part of the integrating component.

APA also fails to anticipate or make obvious a method or system utilizing an integrating component having the aforementioned connection interface in combination with a second known (data transport) interface, as recited in the claims. The Examiner refers to the connection oriented data transport (62 of Figure 3 and 100 of Figure 4) as being such an interface. However, the connection oriented data transport (62 and 100) should not be confused with the data transport interface recited in the claims. In particular, the connection oriented data transports 62 and 100 are communicated with by the integrating component (p. 10, ll. 25-26), and should, therefore, be distinguished from the data transport interface of the integrating component. To further make this clarification, the claims have been amended to show the integrating component is positioned between the application, device driver and the data transport components.

With regard to the Timm reference, it was acknowledged in the Office Action that the proxy client component taught in claim 5 was not disclosed by the APA. It was also acknowledged that the limitation taught in claim 5 “is not explained in the disclosure” of Timm with regard to redirecting data and data control information through the proxy client.

Nevertheless, it is suggested that it would have been obvious to apply the teaching of Timm to the system of APA to obviate claim 5. Applicant respectfully disagrees.

Initially, it is asserted in the Office Action that the proxy client component of claim 5 is analogous to Timm's (NDIS Library/NDIS Wrapper). However, the cited disclosure in Timm merely states:

The MDSL driver will function as a WAN Network Interface Card driver. It interacts with protocol drivers on the upper edge and controls the MDSL NIC on the lower edge. All these interactions and controls are going through the NDIS library or NDIS wrapper in Windows NT/Windows 95. (Col. 39, ll. 48-53).

This disclosure, along with the other general references to Col. 34-44 and Figure 11 fail to support the assertion that the NDIS library or the NDIS wrapper is analogous to the claimed proxy client component that interfaces with an integrating component having an abstracted connection interface and a connection-oriented transport interface and that is configured to receive abstract connection creation commands and abstract connection control commands from the application, to implement said commands through use of the connection interface to create and manage the connection, to cause redirection of data and data control information from the connection through the proxy client component to a designated data transport designated in one of the abstract connection control commands, and to return to the application, in response to a previously received connection control command, an identifier to be used by the application for receiving data and data control information from the designated data transport so that the connection control information can be communicated to the application through the proxy client component while the data and data control information is communicated to the application through the designated data transport, as recited in claim 5.

In addition to the foregoing remarks, applicant also respectfully submits that a *prima facie* case for anticipation under 35 U.S.C. § 102(e) and for obviousness under 35 U.S.C. § 103, based on APA, has not been made in the Final Office Action. In particular, while the Office Action refers to several components from the claims and their purported corresponding prior art components, the Office Action is silent as to the actual acts being performed or that are capable of being performed by the recited components. For example, while the Office Action suggests that the first interface may be similar to multiple interfaces disclosed in the APA (e.g., Fig. 2 (44, 48), Fig. 3 (72), and Fig. 4(106)), the Office Action fails to suggest that said referred to interfaces perform, or are capable of performing, the acts recited in the claims (e.g.,

“representing to an application, over a first application-level interface of the integrating component, the connection control characteristics of the underlying connection-oriented device related to the manner in which the connection oriented device makes a connection for sending and receiving network data over a network...”). The same is also true of the other components and other corresponding acts that are recited in the claims, with regard to performing or being capable of performing certain acts (e.g., the acts recited in claim 1 of representing data and data control objects over a second interface, receiving commands over the first and second interfaces, and the connection-oriented device driver interacting with the integrating component in order to execute said received commands).

For at least the foregoing reasons, Applicant submits that the pending claims 1-13 are neither anticipated by nor made obvious by the APA and Timm, either singly or in combination. Applicant further submits that the pending claims are, therefore, in condition for allowance and courteously requests favorable action. If there are any outstanding issues that could be resolved by telephone, the Examiner is invited to contact the undersigned attorney.

Dated this 2nd day of September 2003.

Respectfully submitted,



Jens C. Jenkins
Registration No. 42,685
Rick D. Nydegger
Attorney for Applicants
Registration No. 28,651

Customer Number 022913